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⁽¹⁾ Text with EEA relevance.

II

*(Information)*INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES
AND AGENCIES

EUROPEAN COMMISSION

Non-opposition to a notified concentration**(Case M.9432 — Allianz Holdings/Legal and General Insurance)****(Text with EEA relevance)**

(2019/C 407/01)

On 26 September 2019, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004 ⁽¹⁾. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/homepage.html?locale=en>) under document number 32019M9432. EUR-Lex is the online access to European law.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

Non-opposition to a notified concentration
(Case M.9538 — Broadcom/Symantec Enterprise Security Business)

(Text with EEA relevance)

(2019/C 407/02)

On 30 October 2019, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004 ⁽¹⁾. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/homepage.html?locale=en>) under document number 32019M9538. EUR-Lex is the online access to European law.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Interest rate applied by the European Central Bank to its main refinancing operations ⁽¹⁾:**0,00 % on 1 December 2019****Euro exchange rates ⁽²⁾****2 December 2019**

(2019/C 407/03)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,1023	CAD	Canadian dollar	1,4656
JPY	Japanese yen	120,75	HKD	Hong Kong dollar	8,6297
DKK	Danish krone	7,4712	NZD	New Zealand dollar	1,7019
GBP	Pound sterling	0,85218	SGD	Singapore dollar	1,5085
SEK	Swedish krona	10,5385	KRW	South Korean won	1 306,52
CHF	Swiss franc	1,0995	ZAR	South African rand	16,1770
ISK	Iceland króna	134,80	CNY	Chinese yuan renminbi	7,7625
NOK	Norwegian krone	10,1353	HRK	Croatian kuna	7,4380
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	15 569,99
CZK	Czech koruna	25,534	MYR	Malaysian ringgit	4,6071
HUF	Hungarian forint	332,98	PHP	Philippine peso	56,317
PLN	Polish zloty	4,3001	RUB	Russian rouble	70,9217
RON	Romanian leu	4,7794	THB	Thai baht	33,383
TRY	Turkish lira	6,3436	BRL	Brazilian real	4,6654
AUD	Australian dollar	1,6240	MXN	Mexican peso	21,5670
			INR	Indian rupee	78,9785

⁽¹⁾ Rate applied to the most recent operation carried out before the indicated day. In the case of a variable rate tender, the interest rate is the marginal rate.

⁽²⁾ Source: reference exchange rate published by the ECB.

**Opinion of the Advisory Committee on restrictive practices and dominant positions
at its meeting on 3 May 2019 concerning a draft decision in
Case AT.40134 — AB InBev Beer Trade Restrictions**

Rapporteur: Germany

(2019/C 407/04)

1. The Advisory Committee (8 Member States) agrees with the Commission that the conduct covered by the draft decision constitutes an abuse of a dominant position that infringes Article 102 TFEU.
 2. The Advisory Committee (8 Member States) agrees with the Commission's assessment in the draft decision as regards the duration of the infringement.
 3. The Advisory Committee (8 Member States) agrees with the Commission that a remedy should be imposed, as set out in the draft decision.
 4. The Advisory Committee (8 Member States) agrees with the Commission that a fine should be imposed on the addressees of the draft decision.
 5. The Advisory Committee (8 Member States) agrees with the Commission on the final amount of the fine, including its reduction based on paragraph 37 of the 2006 Guidelines on the method of setting fines, imposed pursuant to Article 23(2)(a) of Regulation (EC) No 1/2003.
 6. The Advisory Committee (8 Member States) agrees Advisory Committee recommend the publication of its Opinion in the *Official Journal of the European Union*.
-

Final Report of the Hearing Officer ⁽¹⁾**Case AT.40134 — AB Inbev beer trade restrictions**

(2019/C 407/05)

- (1) The draft decision, which is addressed to Anheuser-Busch InBev NV/SA, InBev Belgium BVBA/SPRL and InBev Nederland NV (together, 'AB InBev') finds that AB InBev committed a single and continuous infringement of Article 102 TFEU, during the period from 9 February 2009 until 31 October 2016, through several practices restricting imports from the Netherlands of certain of its beer products into Belgium, with the overall aim to maintain higher prices and profits in Belgium.
- (2) Following unannounced inspections in 2015 at the premises of a retailer in the Netherlands and at the premises of AB InBev in the Netherlands and in Belgium, On 29 June 2016, the Commission initiated proceedings pursuant to Article 11(6) of Regulation (EC) No 1/2003 ⁽²⁾ and Article 2(1) of Regulation (EC) No 773/2004 ⁽³⁾ against AB InBev.
- (3) On 30 November 2017, the Commission adopted a statement of objections ('the SO').
- (4) In [...] ⁽⁴⁾, following several rounds of exchanges between AB InBev and DG Competition, AB InBev submitted a formal offer to cooperate in view of the adoption of a decision pursuant to Articles 7 and 23 of Regulation (EC) No 1/2003 ('Settlement Submission'). The Settlement Submission contained in particular:
 - an acknowledgement in clear and unequivocal terms of AB InBev's joint and several liability for the infringement;
 - an indication of the maximum amount of the fine AB InBev would accept in the context of a cooperation procedure;
 - the confirmation that AB InBev had been sufficiently heard on the Commission's objections through the SO and on the basis of a full access to the Commission's file;
 - a remedy proposal ensuring that AB InBev will include mandatory food information in Dutch and French on the packaging of its beer products sold by InBev Belgium, AB InBev France and InBev Nederland (hereafter 'the Remedy');
 - an acknowledgment that the Remedy is suitable and proportionate to ensure that the specific practice as referred to in the SO remains fully terminated and that it considers that parallel trade across the Netherlands, Belgium and France will be enhanced.
- (5) In the draft decision, the Commission considers that, in view of the effective cooperation provided by AB InBev, as set out above, the amount of the fine should be reduced by 15 %.
- (6) In accordance with Article 16 of Decision 2011/695/EU, I have examined whether the draft decision deals only with objections in respect of which AB InBev has been afforded the opportunity of making known its views. I conclude that it does.
- (7) I have not received any complaint from AB InBev or any third party in relation to procedural aspects. Overall, I consider that the effective exercise of procedural rights has been respected in this case.

Brussels, 6 May 2019.

Joos STRAGIER

⁽¹⁾ Pursuant to Article 16 of Decision 2011/695/EU of the President of the European Commission of 13 October 2011 on the function and terms of reference of the hearing officer in certain competition proceedings (OJ L 275, 20.10.2011, p. 29) ('Decision 2011/695/EU').

⁽²⁾ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1) ('Regulation (EC) No 1/2003').

⁽³⁾ Commission Regulation (EC) No 773/2004 of 7 April 2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty (OJ L 123, 27.4.2004, p. 18).

⁽⁴⁾ Parts of this text have been edited to ensure that confidential information is not disclosed. Those parts are replaced by a non-confidential summary in square brackets or are shown as [...].

Summary of Commission Decision
of 13 May 2019
relating to a proceeding under Article 102 of the Treaty on the Functioning of the European Union
(Case AT.40134 — AB InBev Beer Trade Restrictions)
(notified under document C(2019) 3465)
(Only the English text is authentic)

(2019/C 407/06)

On 13 May 2019, the Commission adopted a decision relating to a proceeding under Article 102 of the Treaty on the Functioning of the European Union. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003 ⁽¹⁾, the Commission herewith publishes the names of the parties and the main content of the decision, including any penalties imposed, having regard to the legitimate interest of undertakings in the protection of their business secrets.

1. INTRODUCTION

- (1) The Decision is issued pursuant to Article 102 of the Treaty on the Functioning of the European Union (the ‘Treaty’) and addressed to Anheuser-Busch InBev NV/SA, and two of its subsidiaries (hereafter ‘AB InBev’). AB InBev is the world’s largest beer brewer, selling its beer brands in more than 100 countries.
- (2) Between 9 February 2009 and 31 October 2016, AB InBev participated in a single and continuous infringement, which involved the implementation of four abusive restrictions. By intentionally restricting imports of its beer products into Belgium, AB InBev aimed to maintain higher prices and profits for its beer products in Belgium.

2. CASE DESCRIPTION

2.1. Procedure

- (3) The Commission launched this case ex-officio at the end of 2014 based on its own market monitoring.
- (4) In November 2015, the Commission carried out unannounced inspections at AB InBev’s premises in Belgium and the Netherlands.
- (5) On 30 June 2016, the Commission initiated proceedings against AB InBev with a view to taking a decision under Chapter III of Council Regulation (EC) No 1/2003.
- (6) On 30 November 2017, the Commission adopted a Statement of Objections addressed to AB InBev alleging that it had engaged in restrictive practices constituting an abuse of dominance within the meaning of Article 102 TFEU.
- (7) Subsequently, AB InBev submitted a formal offer to cooperate in view of the adoption of a decision pursuant to Article 7 and Article 23 of Council Regulation (EC) No 1/2003 (‘settlement submission’).
- (8) The Advisory Committee on Restrictive Practices and Dominant Positions issued a favourable opinion on 3 May 2019.
- (9) The Commission adopted the Decision on 13 May 2019.

2.2. Summary of the infringement

- (10) The Decision establishes that from 9 February 2009 until 31 October 2016, AB InBev pursued an abusive strategy to restrict sales of its beer products supplied to its off-trade customers from the Netherlands into Belgium by implementing four restrictive practices in relation to off-trade customers, notably including:
 - (a) limiting the volumes of beer products supplied to a wholesaler in the Netherlands to restrict imports of these products into Belgium;

⁽¹⁾ OJ L 1, 4.1.2003, p. 1. Regulation as amended by Regulation (EC) No 411/2004 (OJ L 68, 6.3.2004, p. 1).

- (b) implementing changes in the packaging of beer products supplied to off-trade customers in the Netherlands to restrict imports of these products into Belgium;
- (c) making the supplies to a retailer in Belgium of beer products, not available in the Netherlands, conditional on the purchase in Belgium of other beer products also available in the Netherlands; and
- (d) making promotions for beer products offered to a retailer in the Netherlands conditional upon not offering the promotions in Belgium.

(11) These practices restricted competition within the meaning of Article 102 of the Treaty by their very nature as they aimed to partition the Single Market along national borders.

2.3. Addressees and duration

(12) The Decision is addressed to Anheuser-Busch InBev NV/SA, and its two wholly-owned subsidiaries, InBev Belgium Bvba/Spri and InBev Nederland NV.

(13) The duration of the single and continuous infringement spans the period from 9 February 2009 until 31 October 2016.

2.4. Remedies

(14) The Decision requires AB InBev to include mandatory food labelling information both in Dutch and French, as opposed to just one language, on the packaging of all its current and new products of 19 specific beer brands in Belgium, France and the Netherlands.

(15) This remedy was offered by AB InBev in its settlement submission and the Decision makes it binding for a period of five years from the date of notification of the Decision. AB InBev acknowledges that the remedy is suitable and proportionate in the framework of the cooperation procedure to ensure that the practice of changing the packaging of its beer products is not reiterated. The remedy should also make it easier for off-trade customers to export the products between the Netherlands, Belgium and France, thereby enhancing the possibility of cross-border trade.

2.5. Fines

(16) The Decision applies the 2006 Guidelines on Fines. ⁽²⁾

2.5.1. Basic amount of the fine

(17) In setting the fines, the Commission took into account the value of sales in 2015 for Belgium and the Netherlands, which is the last full business years of AB InBev's participation in the infringement.

(18) The Commission took into account that the abusive conduct consists of an intentional 'by object' violation of a clear, fundamental rule not to partition the Single Market along national borders. Moreover, the infringement concerns products that have a direct impact on consumers. Taking into account these factors and in light of the specific circumstances of the case the proportion of the values of sales to be taken into account is set at 10 %.

(19) The Commission took into account the duration of the single and continuous infringement, as mentioned above.

2.5.2. Aggravating or mitigating circumstances

(20) There are no aggravating or mitigating circumstances in this case.

2.5.3. Specific increase for deterrence

(21) The fine is increased by a 1,1 multiplier to ensure a deterrent effect on AB InBev, an undertaking with a particularly large worldwide turnover beyond the sales of goods and services to which the infringement relates.

⁽²⁾ OJ C 210, 1.9.2006, p. 2.

2.5.4. *Application of the 10 % turnover limit*

(22) The calculated fine does not exceed 10 % of AB InBev's worldwide turnover.

2.5.5. *Reduction of the fine in view of cooperation*

(23) In order to reflect the effective cooperation provided by AB InBev, in particular its acknowledgment of the infringement and its offer of a remedy to prevent reiteration of the practice of changing the packaging of its beer products, the amount of the fine is reduced by 15 % pursuant to point 37 of the Guidelines on Fines.

3. CONCLUSION

(24) AB InBev infringed Article 102 of the Treaty by participating in a single and continuous infringement to limit cross-border trade of beer products from the Netherlands to Belgium. The infringement consisted of the implementation of four practices in relation to its off-trade customers that aimed at maintaining higher prices and profits for AB InBev's beer products in Belgium.

(25) The final amount of the fine imposed on AB InBev pursuant to Article 23(2)(a) of Regulation (EC) No 1/2003 for the single and continuous infringement amounts to EUR 200 409 000.

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.9630 — CDC/Total/JMB Solar Nogara/Quadran Nogara)

Candidate case for simplified procedure

(Text with EEA relevance)

(2019/C 407/07)

1. On 25 November 2019, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾.

This notification concerns the following undertakings:

- Caisse des dépôts et consignations ('CDC', France),
- Total Quadran (France), belonging to the group Total S.A.,
- JMB Solar Nogara and Quadran Nogara (together the 'Target', France), controlled by Total S.A.

CDC and Total Quadran acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of JMB Solar Nogara and Quadran Nogara. The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- CDC is a special status public establishment which conducts missions of general interest and activities open to competition. These latter activities are carried out mostly in France around four poles: (i) real estate; (ii) environment and energy; (iii) services; and (iv) capital investment,
- Total S.A. is an international integrated energy producer and provider active in all sectors of the oil and gas industry, as well as the renewable energy and power generation sectors,
- JMB Solar Nogara and Quadran Nogara are active in the development, construction and operation of photovoltaic plants and wind farms in France.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved.

Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the Council Regulation (EC) No 139/2004 ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

⁽²⁾ OJ C 366, 14.12.2013, p. 5.

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.9630 — CDC/Total/JMB Solar Nogara/Quadran Nogara

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu

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